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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IMMIGRANT LEGAL RESOURCE CENTER;
EAST BAY SANCTUARY COVENANT;
COALITION FOR HUMANE IMMIGRANT
RIGHTS; CATHOLIC LEGAL IMMIGRATION
NETWORK, INC.; INTERNATIONAL RESCUE
COMMITTEE; ONEAMERICA; ASIAN
COUNSELING AND REFERRAL SERVICE;
ILLINOIS COALITION FOR IMMIGRANT
AND REFUGEE RIGHTS,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, *under the title of*
Secretary of Homeland Security;
U.S. DEPARTMENT OF HOMELAND
SECURITY; UR M. JADDOU, *under the title of*
Director; U.S. CITIZENSHIP &
IMMIGRATION SERVICES,

Defendants.

Case No. 4:20-cv-5883-JSW

JOINT STATUS REPORT
AND ORDER CONTINUING TO HOLD CASE IN
ABEYANCE
JURY TRIAL DEMANDED

1 Subject to the Court's approval and pursuant to Local Rule 7-12, the parties through their
2 undersigned counsel of record hereby stipulate and request as follows:

3 1. On February 10, 2021, the Court ordered that the case be "stayed, and all proceedings
4 held in abeyance, to allow defendant the Secretary of Homeland Security to undertake the review
5 contemplated by Executive Order 14,012, "Restoring Faith in Our Legal Immigration Systems and
6 Strengthening Integration and Inclusion Efforts for New Americans," 86 Fed. Reg. 8,277 (Feb. 5,
7 2021), signed by the President on February 2, 2021. Dkt. 113, at 4. The Court further ordered that
8 "on or before May 13, 2021, the parties shall file a joint status report indicating whether this case
9 and all proceedings should continue to be held in abeyance or proposing a schedule for continuing
10 the litigation." *Id.*

11 2. Thereafter, the Court entered nine successive orders approving the parties' joint
12 requests to continue to hold the case and proceedings in abeyance, on May 15, 2021, September 9,
13 2021, January 12, 2022, August 1, 2022, October 14, 2022, December 5, 2022, February 8, 2023,
14 and February 14, 2024, respectively. *See* Dkt. 117, at 4; Dkt. 119, at 5; Dkt. 121, at 5; Dkt. 124, at 5;
15 Dkt. 126, at 4; Dkt. 128, at 5; Dkt. 135, at 5; Dkt. 148, at 4; Dkt. 152, at 6. The most recent order
16 directed that "no later than November 15, 2024, the parties shall file a joint status report indicating
17 whether this case and all proceedings should continue to be held in abeyance or proposing a schedule
18 for continuing the litigation." *Id.*

19 3. On January 31, 2024, DHS issued a final rule to adjust fees for certain USCIS
20 immigration and naturalization benefit requests ("2024 Final Rule"). *See* 89 Fed. Reg. 6,194 (Jan.
21 31, 2024). The 2024 Final Rule took effect April 1, 2024. The 2024 Final Rule is being challenged in
22 *Moody v. Mayorkas*, No. 1:24-cv-00762-CNS (D. Colo. Mar. 19, 2024), and *Civitas Capital*
23 *Management, LLC v. Mayorkas*, No. 3:24-cv-00984-L (N.D. Tex. Apr. 22, 2024).

24 4. Defendants' position is that, because the 2024 Final Rule has gone into effect and
25 entirely replaced the 2020 Final Rule, this case is now moot, notwithstanding the ongoing litigation
26 in *Moody* and *Civitas*.

27 5. Plaintiffs' position is that this case is not moot. Plaintiffs' position is based not only
28

on the *Moody* and *Civitas* litigation. Among other things, Plaintiffs have not received the full relief available, such as a permanent injunction of the 2020 Final Rule, which DHS has not yet rescinded. *See* 89 Fed. Reg. 6194, 6248 (Jan. 31, 2024) (DHS citing existence of preliminary injunctions as grounds for not rescinding the rule as part of its 2024 rulemaking).

6. Defendants propose that to conserve the parties' and the Court's resources, this case should continue to be held in abeyance until February 13, 2025.

7. Plaintiffs anticipate that the *Moody* and/or the *Civitas* litigation will likely still be pending by February 13, 2025 if Defendants continue to defend those cases. Rather than consuming the Court's resources with additional subsequent joint status reports requesting further continued stays and abeyances while the litigation remains pending, the parties request that the Court administratively close this case. Courts have the inherent authority to manage their own dockets. *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016). This Court has ordered administrative closure in other cases where external circumstances will result in the streamlining of issues and reduce litigation burden on the Court and parties. *See Coho Licensing LLC v. Glam Media*, No. C 14-01576 JSW, 2014 WL 4681699, at *3 (N.D. Cal. Sept. 17, 2014). The plaintiffs ask that the Court administratively close this case until the parties notify the Court that there is resolution in the *Moody* and *Civitas* litigation, or if there is further action by DHS affecting the status of the litigation. In the alternative, a stay of at least six months may allow for sufficient time to assess whether developments in *Moody* and *Civitas*, or at DHS, may impact the course of this litigation.

Respectfully submitted,

Dated: November 15, 2024

/s/ David Goldenberg

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Dated: November 15, 2024

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Counsel for Defendants

LOCAL RULE 5-1(i) ATTESTATION


I attest that I have obtained Cynthia Liao's concurrence in the filing of this document.

/s/ David Goldenberg
David Goldenberg

~~[DEFENDANTS' PROPOSED] ORDER~~

IT IS ORDERED that this case shall remain stayed, and all proceedings held in abeyance. Further, no later than February 13, 2025, the parties shall file a joint status report indicating whether this case and all proceedings should continue to be held in abeyance or proposing a schedule for continuing the litigation.

Date: December 2, 2024


HONORABLE JEFFREY S. WHITE
United States District Judge

~~[PLAINTIFFS' PROPOSED] ORDER~~

~~IT IS ORDERED that this case shall:~~

~~[] be administratively closed until the parties notify the Court that proceedings should resume.~~

~~[] remain stayed, and all proceedings held in abeyance for a period of six months. Further, no later than May 15, 2025, the parties shall file a joint status report indicating whether this case and all proceedings should continue to be held in abeyance or proposing a schedule for continuing the litigation.~~

~~Date:~~

~~HONORABLE JEFFREY S. WHITE
United States District Judge~~